



MEMORANDUM

DATE: January 4, 2017
For January 19, 2017 Hearing

Lynne Birkinbine

TO: Jim Mazzocco
Zoning Examiner

FROM: Lynne Birkinbine, Interim Director
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & DEVELOPMENT SERVICES REPORT
SE-16-147 Veritas Academy – Palo Verde Boulevard
Zoning Examiner Special Exception, R-2 Zone (Ward 6)

Issue – This is a request for a Zoning Examiner Special Exception Land Use by Christopher Barnes, on behalf of the property owners, Book of Life Community Church, to allow a private school to operate on a property smaller than five acres. A church is currently operating on the subject property, which is a 4.48-acre parcel in the R-2 zone, and located on the northwest corner of Palo Verde Boulevard and Seneca Street at 2151 N. Palo Verde Boulevard (see case location map).

A Zoning Examiner Special Exception (ZESE) will be required in order to permit the operation of a private school, and will need to demonstrate that the school use is compatible with the surrounding neighborhood. The school is currently operating with a temporary Certificate of Occupancy, issued July 27, 2016 (T16OT00907), pending the outcome of this Special Exception Application.

The City of Tucson *Unified Development Code (UDC)* Section 4.9.3.D.2 states that the minimum required site area for educational uses in residential zones is five acres. This ZESE would allow the Veritas Academy to operate on the 4.48-acre property. In addition, *UDC* Article 4.9.3.D.4 states that all outdoor activity shall be held more than 50 feet from adjacent properties zoned R-3 or more restrictive zoning. Existing playground equipment will be relocated to the center of the site, more than 70 feet from the west property line. However, an existing basketball court, shared between the church and school is located a distance of approximately 34 feet from the R-2 zoned property to the west, and a grass field, which may be occasionally used for outdoor activity is located at the northwest corner of the property. The ZESE, if approved, will allow recreation areas to be closer than 50 feet from adjacent residentially zoned properties. An existing 5-foot masonry wall along the west property line helps to mitigate noise from recreational activities, and an extension of this wall is proposed at the northwest corner of the site. All outdoor activity areas are to be regularly monitored by school staff.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of the Special Exception Land Use request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Church, K-12 school currently operating with a temporary Certificate of Occupancy, issued July 27, 2016 (T16OT00907).

Zoning Description:

R-2 Zone: This zone provides for medium density, single-family and multifamily, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day care and urban agriculture, are permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned R-2; Low density residential

South: Zoned R-2; Low density residential

East: Zoned R-1, R-2; Low density residential, Catalina High School

West: Zoned R-2; Low to medium density residential

Previous Cases on the Property: none

Related Cases:

SE-02-08 Pima Prevention Partnership – Toole Avenue, I-1 Zone - This was a request to allow a 40,000 square foot youth and family services center and a charter high school for children with physical and cognitive disabilities in an existing one-story building on 4.4 acres within an existing industrial subdivision. The subdivision is located on the southeast corner of Third Avenue and Toole Avenue. The Zoning Examiner public hearing was held on August 22, 2002. The Zoning Examiner's decision to approve the request was issued on August 29, 2002.

SE-07-09 Ha:San Middle School – 7th Avenue, HC-1 Zone - This was a request to allow an Elementary and Secondary school for a maximum of 90 students to be located on an existing 0.47 acre site. The Zoning Examiner public hearing was held on June 28, 2007. The Zoning Examiner's decision to approve the request was issued on July 7, 2007.

Applicant's Request – The Book of Life Community Church and Veritas Academy of Tucson are applying for a Special Exception to allow this property to be used for a private school.

Planning Considerations – Land use policy direction for this area is provided by the *Grant-Alvernon Area Plan* and *Plan Tucson*. The rezoning site is located within an Existing Neighborhood as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing Neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. Within Existing Neighborhoods, *Plan Tucson* calls for a goal of maintaining the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability. Site design should demonstrate sensitivity to the neighboring land uses through the use of design, location, orientation, landscaping, screening, and other means. New development should utilize solutions and strategies included in the Design Guidelines Manual to provide an improved level of community design.

The *Grant-Alvernon Area Plan* encourages the development of child-friendly land uses when the location and design of the development is in compliance with adopted plan policies. Examples of child-friendly development include community centers, libraries, parks, and schools. It supports development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighborhood residents. The *GAAP* promotes the use of design elements that promote the safety welfare, education, and recreational activities of children; including community centers, libraries, parks, schools, etc. Examples of elements that might be used in child-friendly site design including but not limited to highly visible play areas, well-marked, highly visible pedestrian crossings, and use of public art that is sturdy, visually interesting, and “hands-on.”

The church/school has access onto Palo Verde Boulevard and Seneca Street, both local streets. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide traffic estimates for the proposed school use. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – *Unified Development Code* Sec. 4.9.3.D states that Educational Uses are subject to the Use Specific Standards listed in that Section (4.9.3.D.1-.7). Variances are not permitted, however, if the standards cannot be met, the applicant can request approval through a special exception procedure as permitted in the R-2 zone.

UDC Section 4.9.3.D.2 requires the minimum site area for educational uses in residential zones be five acres. This ZESE, if approved, would allow the Veritas Academy to operate on the 4.48-acre parcel.

UDC Section 4.9.3.D.3 limits hours of operation from between 6:00 a.m and 7:00 p.m. The hours of operation for the school are between 7:30 a.m. and 4:00 p.m. Classes are held from 8:10 a.m. to 3:30 p.m., falling well within this Use Specific Standard.

UDC Section 4.9.3.D.4 requires all outdoor activity be conducted more than 50 feet away from the property line where adjacent to R-3 or more restrictive zoning. There is an existing basketball court, with shared use between the church and school, located approximately 34 feet from adjacent R-2 zoned property to the west, and a grass field in the northwest corner of the site. The Special Exception Land Use, if approved, will allow these recreation areas to remain in place. In addition, the applicant states that the school will be relocating playground equipment to an area in the center of the site, more than 70 feet from the west property line and screened by existing buildings. A 5-foot wall along the west property line also helps to mitigate noise from outdoor activity and a new extension of the masonry wall is proposed at the northwest corner of the property. In addition the applicant states that Veritas School will be monitoring behavior and noise and has a policy outlining consequences for students who make excessive noise.

UDC Section 4.9.3.D.6 requires the minimum building setback from property lines adjacent to R-3 or more restrictive zoning to be 20 feet. An existing building is approximately 12 feet from R-2 zoned property to the west, however this building is used primarily by the church, and has no openings facing the neighboring R-2 properties.

The Preliminary Development Plan (PDP) dated November 2, 2016 and submitted with the Special Exception application includes the relocated playground/outdoor activity area to address the noise complaints by neighbors during the neighborhood meeting. The PDP includes a 26-foot extension of the existing 5-foot in height masonry wall at the northwest corner of the property. The PDP indicates that 96 parking spaces are required for the church/school use, and 115 parking spaces (4 ADA spaces) are provided. Ingress/egress to the student drop off/pick up area as well as the main parking area is on N. Palo Verde Boulevard. Access to the other parking areas are on E. Seneca Street. The PDP also indicates 5 short-term and 1 long term bicycle parking spaces.

Zoning Review acknowledges that the required number of vehicle parking was not provided, but based on information provided by the applicant regarding the proposed number of students (approximately 90 students grades K through 12), the site has sufficient vehicle parking to meet the requirements for the school.

Drainage/Grading/Vegetation – The PDP does not specify any new landscaping. Should new landscaping areas be created, water harvesting will be required.

Road Improvements/Vehicular Access/Circulation – No changes to vehicular access and circulation are proposed.

Conclusion – The request for a Zoning Examiner Special Exception on this site for a private school is consistent with policy direction provided by *Plan Tucson* and *Grant-Alvernon Area Plan*. Subject to compliance with the attached preliminary conditions, approval of the requested Special Exception Land Use is appropriate.

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated November 2, 2016, and the Design Compatibility Report, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

LAND USE COMPATABILITY MEASURES

6. School playground equipment shall be relocated to be at least 70 feet from adjacent residential R-2 zoned neighborhood to the west (excluding the existing City of Tucson well site) per the preliminary development plan dated November 2, 2016, and equipment removal from the current location shall be completed within 120 days of Special Exception approval.
7. Communication Action Plan shall address concerns of neighbors who may contact school staff when noise or other problems occur. The Communication Action Plan shall include contact information for the school staff and be submitted to the City of Tucson prior to issuance of Certificate of Occupancy for the school.
8. School shall provide monitoring and supervision of the playground and athletic field before, during, and after school hours and impose consequences on offending students for excessive noise.
9. A 26-foot extension of the 5-foot high masonry block wall shall be constructed at the northwest corner of the property per preliminary development plan dated November 2, 2016. This wall extension is required to have a minimum of two (2) equally spaced drain blocks.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(l).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case _____ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case _____.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify and hold the City of Tucson, its officers, employees and agents harmless from any and all claims, causes of action, demands, losses, costs and expenses based upon an alleged reduction of value of the Property as a result of the City's action in Case _____.

Dated this _____ day of _____, 20__.

Owner:
(Name of Individual, Corporation, Partnership, or
LLC, as applicable)

Owner:
(Name of Individual, Corporation, Partnership, or
LLC, as applicable)

By: _____
(Signature of Owner or Authorized Representative, if
applicable)

By: _____
(Signature of Owner or Authorized Representative, if
applicable)

Its: _____
(Title of Individual Signing in Representative Capacity)

Its: _____
(Title of Individual Signing in Representative Capacity)

State of Arizona)
)
County of _____)

On this _____ day of _____, 20__, before me personally appeared
_____ on the basis of satisfactory evidence to be the person who
he or she claims to be, and acknowledged that he or she signed the above/attached document.

Notary Public

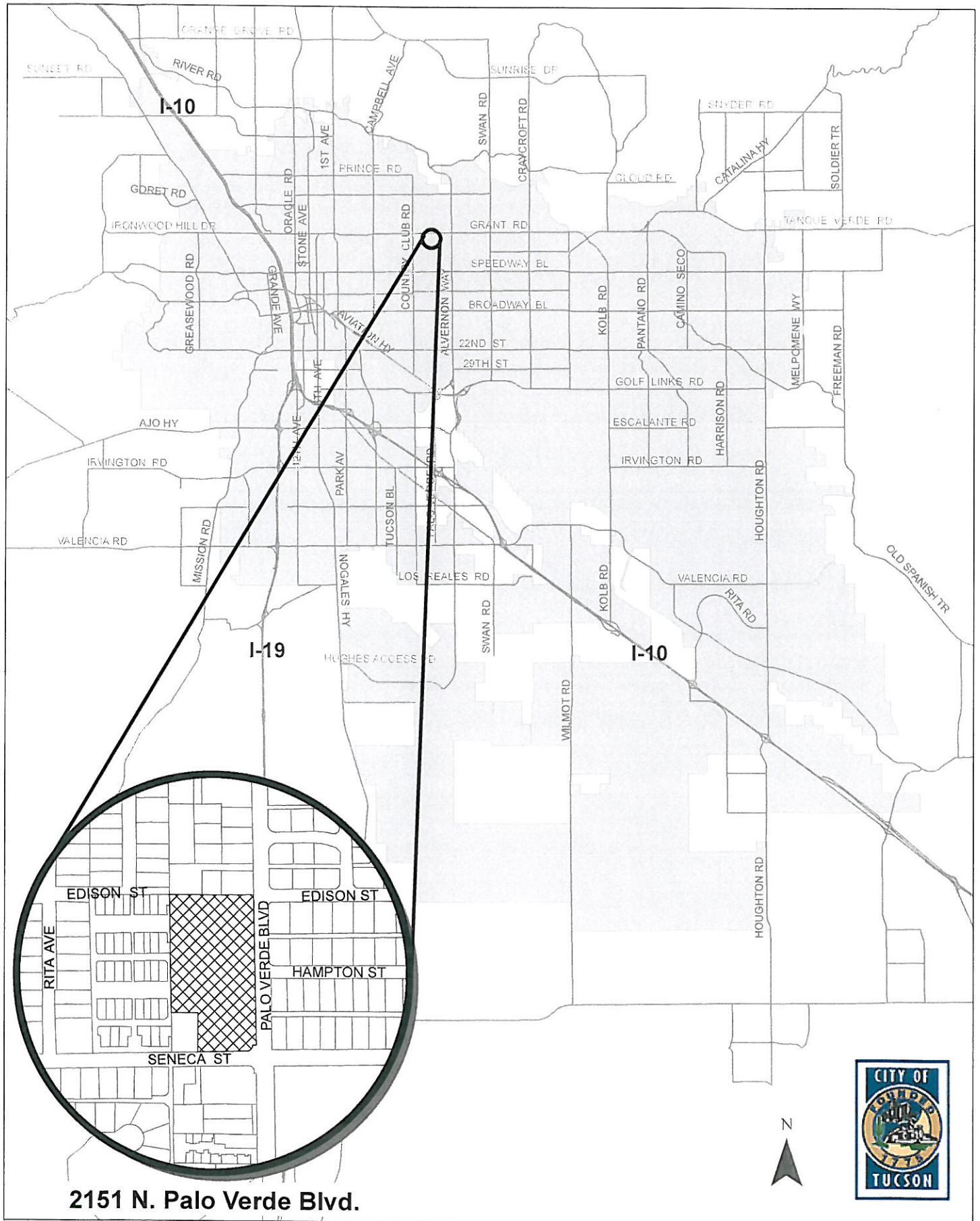
My Commission expires:

City of Tucson, an Arizona municipal Corporation:

By: _____
Planning & Development Services Department

This form has been approved by the City Attorney.

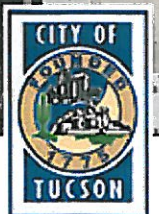
SE-16-147 Veritas Academy of Tucson - Palo Verde Boulevard



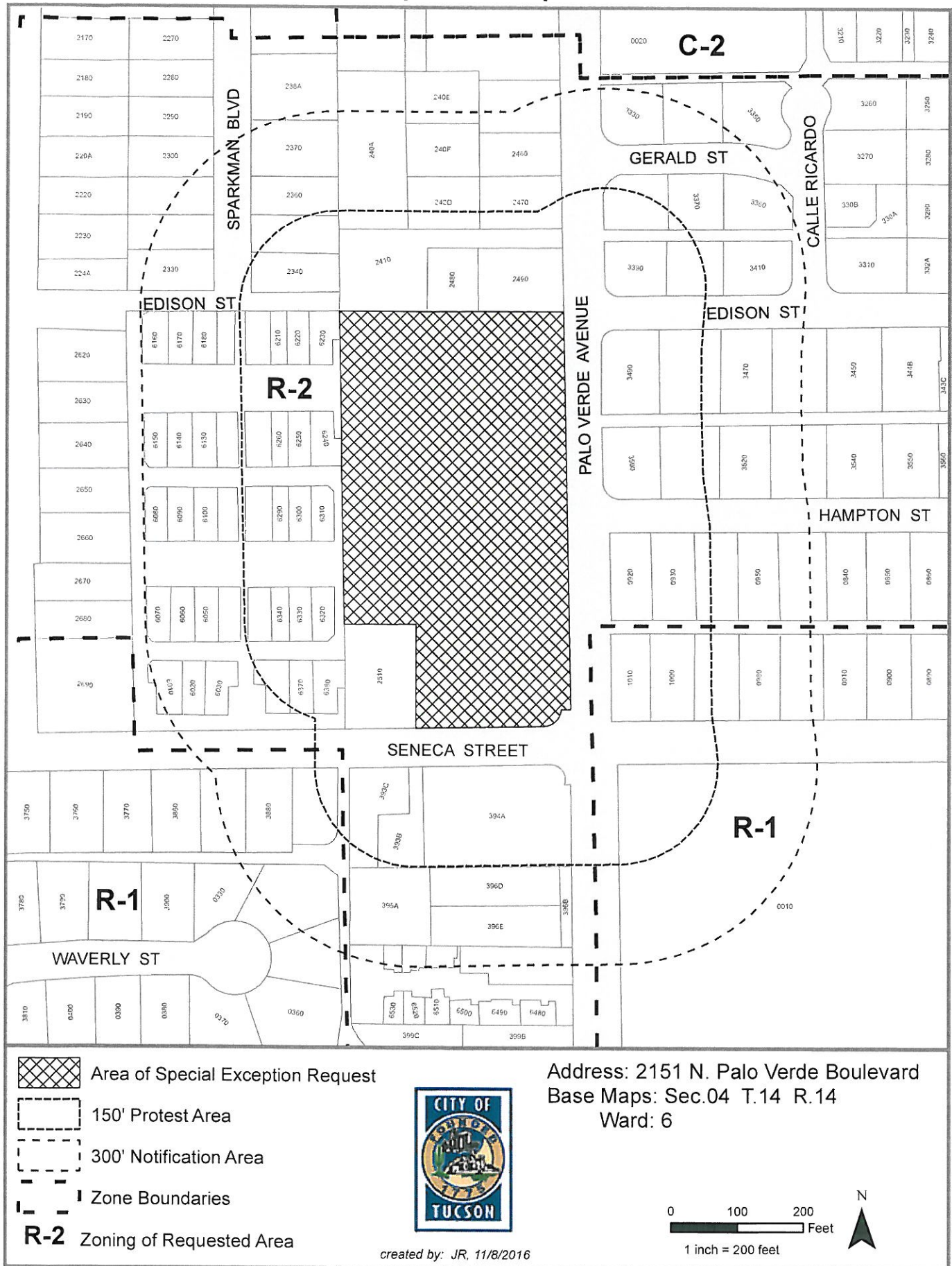


SE-16-147 Veritas Academy of Tucson -
Palo Verde Boulevard
2016 Aerial

0 100 200 Feet
1 inch = 200 feet



SE-16-147 Veritas Academy of Tucson - Palo Verde Boulevard Z.E. Special Exception



VERITAS ACADEMY OF TUCSON
CHRISTIAN SCHOOL
SPECIAL EXCEPTION PROCESSING
2151 NORTH PALO VERDE BLVD.
TUCSON, ARIZONA 85716

JOSEPH MAHER, JR., AIA
ARCHITECT
1845 EAST TOWN LANE, SUITE 100
TUCSON, ARIZONA 85719
COMMERCIAL/RESIDENTIAL

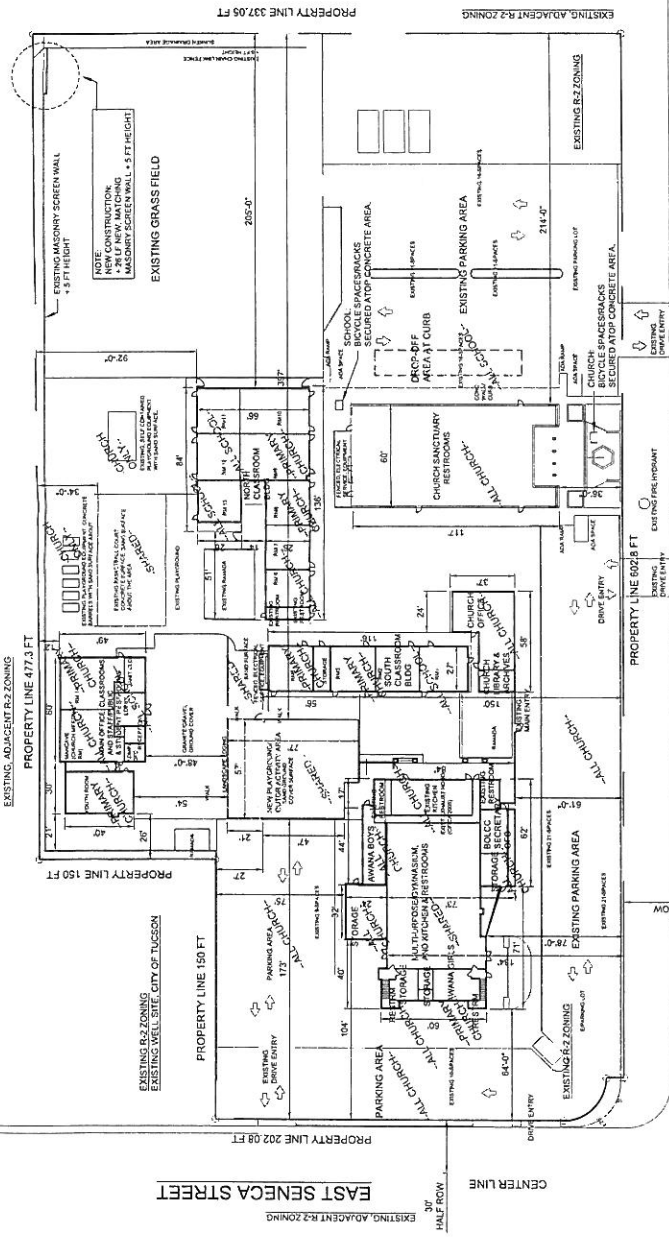


Project No.	2016-001
Sheet No.	1 of 1
Client	Veritas Academy of Tucson
Project Name	Veritas Academy of Tucson
Project Address	2151 North Palo Verde Blvd, Tucson, AZ 85716
Project Description	Special Exception Processing
Project Status	Architectural & Engineering

SPA-1

SPECIAL EXCEPTION PROCESSING SITE PLAN OCT. 24, 2016

Special Exception
Preliminary Development Plan
S.E. 16-147 Date 11-2-2016
Planning & Development Services



SITE INFORMATION:

SCHOOL SITE COVERAGE: (POCHED AREAS)

18,503 SF DIV. BY 195,024 = 9.48 %

PARKING CALCULATION: CHURCH:

CHURCH ASSEMBLY: 6,230 SF DIV. BY 100 =

63 - SPACES REQUIRED, 115 SPACES PROVIDED,

INCLUDING 4-ADA SPACES.

PARKING CALCULATION:

OTHER AREAS FOR COMPARISON:

CLASSROOMS, SCHOOL RELATED:

11,279 SF DIV. BY 300 = 38 SPACES;

CLASSROOMS, CHURCH RELATED:

8,507 SF DIV. BY 300 = 28 SPACES;

CHURCH OFFICE: 2,948 SF DIV. BY 100 = 30 SPACES;

TOTAL OF 96 SPACES REQUIRED, 115 SPACES PROVIDED,

INCLUDING 4-ADA SPACES.

NORTH PALO VERDE BLVD

EXISTING, ADJACENT R3 ZONING

SITE AREA: 4.48 ACRES, 195,024 SF

TAX CODE: 122-15-250A

PLEASE NOTE:

ALL AREAS, BUILDINGS AND FUNCTIONS

DENOTED ARE EXISTING.

SITE DIMENSIONS ARE EXISTING, APPROXIMATE.

-NO NEW FLOOR AREA ADDED.

-EXISTING FACILITY-

BICYCLE SPACES: SCHOOL:

90 STUDENTS = 5-BICYCLE SPACES SHORT

TERM; 5-EMPLOYEES: 1-SPACE LONG TERM.

BICYCLE SPACES: CHURCH:

2% OF 200 ATTENDEES = 4-SPACES SHORT

TERM; 5-EMPLOYEES = 1-SPACE LONG TERM.

VERITAS ACADEMY OF TUCSON
CHRISTIAN SCHOOL
SPECIAL EXCEPTION PROCESSING
EXISTING ARCHITECTURAL &
DIMENSIONED SITE PLAN



SCALE 1"=30'-0"

0 FT 30 FT

PUBLIC FACILITIES AND SERVICES REPORT FOR January 19, 2017
(as of December 28, 2016)

SE-16-147 Veritas Academy – Palo Verde Boulevard, R-2 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 11/15/16.

Planning & Development Services – Sign Code: See attached comments dated 11/16/16.

Planning & Development Services – Community Planning: See attached comments dated 12/22/16.

Tucson Fire Department: See attached comments dated 11/23/16.

No Objections Noted

Planning & Development Services – Engineering

Planning & Development Services – Landscape

Office of Conservation & Sustainable Development

Transportation – Engineering

Transportation – Traffic Engineering

Community Services – Historic Preservation Officer

Environmental Services

Tucson Parks and Recreation

Tucson Police Department

NON-CITY AGENCIES

No Objections Noted

Tucson Unified School District

PAG-TPD

Pima County Wastewater

Arizona Department of Transportation

Pima County Transportation and Flood Control

Pima County Parks and Recreation

Davis-Monthan Air Force Base

Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, January 4, 2017 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html



Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning & Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner's public hearing.

Approvals and protests must have an owner's signature to be recorded.

Case **SE-16-147 Veritas Academy – Palo Verde Boulevard Ward #6 R-2 Zone**

Zoning Examiner Special Exception request to allow a private school to operate on a 4.48-acre church site located on the northwest corner of Palo Verde Boulevard and Seneca Street

I/We the undersigned property owners, wish to

- ☐ APPROVE the proposed rezoning.
☐ PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner's Signature: _____ Date _____

SE-16-147



City of Tucson PMc
Planning & Development Services
Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

SE-16-147
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED